

SECOND ADDENDUM TO INTERGOVERNMENTAL AGREEMENT

This Second Addendum ("Addendum") to Intergovernmental Agreement is entered this 31st of December, 2009 between the CARBON VALLEY PARK AND RECREATION DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado ("District") and CITY OF DACONO, COLORADO, a municipality and political subdivision of the State of Colorado ("Dacono") and TOWN OF FREDERICK, COLORADO, a municipality and political subdivision of the State of Colorado ("Frederick"), and TOWN OF FIRESTONE, COLORADO, a municipality and political subdivision of the State of Colorado ("Firestone"), collectively referred to as "Parties" or in the singular as "Party".

WHEREAS, Parties each offer recreation services to senior citizen residents in their own communities and wish to cooperate regarding providing those services regionally; and

WHEREAS, District, Dacono and Frederick previously entered into an Intergovernmental Agreement, effective November 30, 2006 ("Seniors IGA"), under which such parties made mutual covenants regarding cooperative provision of recreation services to senior citizen residents; and

WHEREAS, Firestone joined District, Dacono, and Frederick in the First Addendum to the Seniors IGA, which extended the term of mutual cooperation regarding senior recreation services through 2009; and

WHEREAS, Parties have met and discussed the extension of the Seniors IGA, which is to expire on December 31st, 2009. All Parties desire to extend the term of the Seniors IGA and request no other changes to the Seniors IGA.

NOW, THEREFORE, in consideration of the terms and conditions of this Addendum, the sufficiency of which is acknowledged, the Parties agree as follows:

1. Renewal of Contract. Parties agree to renew the Seniors IGA for three (3) years until December 31, 2012, subject to earlier termination as set forth in the Seniors IGA as amended. All other provisions of the IGA as amended shall continue in full force and effect as to all Parties. Any extension of this Agreement beyond December 31, 2012 shall be subject to future negotiations and shall be effective only upon the execution of a written Addendum by all Parties.

2. No Multiple Fiscal Year Obligation. No part of this Addendum shall be construed as creating a "multiple fiscal year obligation" of any Party as that term is defined by Article X, Section 20 of the Colorado Constitution. This Addendum may be terminated, without penalty, by any Party affirmatively declaring that it will not appropriate sufficient funds for the upcoming year. Notice of termination due to non-appropriation shall be provided to all other Parties by no later than December 1, and shall be effective at the end of the fiscal year in which such notice was provided. In the event of termination due to non-appropriation by a Party, the remaining Parties shall determine whether to continue under the provisions of this Agreement. Either remaining Party may terminate by providing 30 days written notice.

3. Miscellaneous. This Agreement represents the full understanding and agreement of Parties. All prior negotiations, discussions and understandings are superseded by the terms of the Agreement. This Agreement shall not be modified, unless in writing, executed by all Parties. There shall be no assignment of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Addendum, with full authority to do so, effective the date set forth above.

CARBON VALLEY PARK AND
RECREATION DISTRICT

ATTEST:

Renee Witty, Secretary

By _____
William Kinney, President

CITY OF DACONO

ATTEST:

By _____

TOWN OF FREDERICK

ATTEST:

Nanette S. Fornof, Town Clerk

By _____
Eric E. Doering, Mayor

TOWN OF FIRESTONE

ATTEST:

Judy Hegwood, Town Clerk

By _____
Chad Auer, Mayor